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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTINIANO PACHECO-TELLEZ,

Petitioner - Appellant,

v.

MICHAEL B. MUKASEY, Attorney
General; MICHAEL CHERTOFF, US
DHS Secretary,

Respondents - Appellees.

No. 05-17383

D.C. No. CV-05-03649-DGC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Honorable David G. Campbell, U.S. District Judge, Presiding

Submitted April 22, 2008^{**}

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Martiniano Pacheco-Tellez, a native and citizen of Mexico, appeals pro se
from the district court's order dismissing his petition for a writ of habeas corpus.

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral
argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 28 U.S.C. §§ 1291 and 2253(a), *Puri v. Gonzales*, 464 F.3d 1038, 1040 (9th Cir. 2006), and we affirm.

Reviewing de novo, *id.*, we conclude that the district court lacked jurisdiction over Pacheco-Tellez’s petition because it was filed on November 14, 2005, after the REAL ID Act’s effective date. *See id.* at 1041 (“[A]fter May 11, 2005, the only means for judicial review of Puri’s removal order was a petition for review in this court.”). Moreover, Pacheco-Tellez exercised his right to file a petition for review, which we dismissed in *Pacheco-Tellez v. Gonzales*, No. 05-71741 (9th Cir. July 21, 2005) (order). *See Puri*, 464 F.3d at 1043 (declining to transfer habeas petition and noting that “Puri was aware of the proper procedure for review, as evidenced by the fact that he also filed a petition for review with this court”).

AFFIRMED.